

REMARKS

Claims 1-48 and 53-79 were pending when the present Final Office Action was mailed October 19, 2007. In this response, claims 1, 22-24, 26, 27 and 79 have been amended and new claim 80 has been added. Claims 21 and 57-62 have been canceled without prejudice. Claims 49-52, restricted out of the present application, were previously canceled without prejudice to present in a related divisional or continuation application. No new matter has been added by way of these amendments. Accordingly, claims 1-20, 22-48, 53-56 and 63-80 are currently pending.

In the October 19, 2007 Final Office Action, claims 1-20, 25, 57-62 and 79 were finally rejected, and the rest of the pending claims were allowed or indicated as being allowable if rewritten in independent form. More specifically, the status of the application in light of this Final Office Action is as follows:

1. Claims 57-62 and 79 were subject to an objection as being drawn to compounds in the context of a product-by-process claim format;
2. Claims 57-62 and 79 were rejected under 35 U.S.C. § 102(b) over European Patent No. 246,366 to White et al. ("White");
3. Claims 1-20, 25, 57 and 58 were rejected under 35 U.S.C. § 103(a) over the combination of U.S. Patent No. 4,696,911 to Boerma ("Boerma"), Maskaev et al., *Selection of Catalyst for Commercial Production of 12-Hydroxystearic Acid – a Saponifiable Base for Greases*, (1973) ("Maskaev"), and White;
4. Claims 21-24, 26 and 27 were indicated as being allowable; and
5. Claims 28-48, 53-56 and 63-78 were allowed.

I. Amendments to the Claims

Claim 1 has been amended to include the features of allowable claim 21;

Original claim 21 has been canceled;

Claim 22 has been amended to correctly depend from claim 1;

Claims 23, 24 and 26 have been rewritten in independent form and amended to include the features of original claim 1;

Claim 27 has been amended to depend from independent claim 26 and to correct antecedent basis;

Claims 57-62 have been canceled without prejudice;

Claim 79 has been amended to remove the objected product-by-process claim format, and to include the features of allowable claim 63; and

New claim 80 has been added and depends from claim 79.

No new matter has been added by way of these amendments.

II. Claim Objections

A. Response to Product-by-Process Claim Objections

Claims 57-62 and 79 were objected to as being drawn to compounds in the context of a product-by-process claim format. In this amendment, claims 57-62 have been canceled without prejudice.

Claim 79, as amended, is directed to a margarine composition comprising water and a partially hydrogenated edible oil. The partially hydrogenated edible oil comprises an oil selected from a group consisting of soybean oil and canola oil. The partially hydrogenated edible oil is no more solid than semi-liquid at about 25°C, has a C18:3 content of no greater than about 2.5 weight percent, has a *trans*-fatty acid content of no more than about 6 weight percent, and has a ratio of C18 content to the *trans*-fatty acid content (C18 : TFA) of at least about 1.2. Support for the amended features of claim 79 can be found, for example, in original claims 79 and 63. As amended, claim 79 is not directed to compounds in the context of a product-by-process claim format. Accordingly, Applicants respectfully request that the objection to claim 79 be withdrawn.

III. Claim Rejections

A. Response to Section 102(b) Rejection

Claims 57-62 and 79 were rejected under 35 U.S.C. § 102(b) over White. In this amendment, claims 57-62 have been canceled without prejudice.

Amended claim 79 is directed to a margarine composition comprising water and a partially hydrogenated edible oil. The partially hydrogenated edible oil of claim 79 includes the

features of the partially hydrogenated edible oil of allowed claim 63. Accordingly, claim 79 is allowable for at least the reasons that claim 63 is allowable and for the additional features of this claim. Applicants respectfully request the withdrawal of the Section 102 rejection of claim 79 over White.

New claim 80 depends from claim 79 and includes features found in allowed claims 68 and/or 70. Thus, this claim should not be rejected under Section 102 over White for the reasons discussed above and for the additional features of this claim.

B. Response to Section 103(a) Rejection

Claims 1-20, 25, 57 and 58 were rejected under 35 U.S.C. § 103(a) over the combination of Boerma, Maskaev and White. Claim 1 has been amended to include the features of allowable claim 21. Thus, amended claim 1 is now allowable. Claims 2-20 and 25 depend from amended claim 1, and therefore, are also allowable. Accordingly, Applicants respectfully request that the Section 103 rejection of claims 1-20 and 25 be withdrawn. Further, in this response, claims 57 and 58 have been canceled without prejudice.

IV. Allowable Subject Matter

A. Response to Claim Objection

Claims 21-24 and 26-27 are objected to as being dependent upon a rejected base claim. As noted above, Claim 1 has been amended to include the features of allowable claim 21, and original claim 21 has been canceled. Also in this response, claims 23, 24 and 26 have each been rewritten in independent form to include all of the limitations of original claim 1. Claim 22 has been amended to depend from claim 1, and claim 27 has been amended to depend from claim 26. Thus, claims 1-20 and 22-27 are now allowable.

B. Allowed Claims

The applicants would like to thank the Examiner for allowing claims 28-48, 53-56 and 63-78. As such, these claims have not been amended in this response.

V. Conclusion


Reconsideration and withdrawal of the rejections set forth in the Final Office Action dated October 19, 2007 are respectfully requested.

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned representative at (206) 359-8118.

Payment of the 3-month extension of time petition fee is submitted via EFT Account No. SEA1PIRM. If any additional fee is due, please charge our Deposit Account No. 50-0665, under Order No. 334498005US2 from which the undersigned is authorized to draw.

Respectfully submitted,
Perkins Coie LLP

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Kellie S. Bickel
Registration No. 46,386

Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000